

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

LPA-48-2021 (O&M)

Date of Decision : 18.01.2021

Jaswinder Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present : Mr. Rakesh Kumar Sharma, Advocate
for the appellant.

AUGUSTINE GEORGE MASIH, J. (Oral)

Challenge in this appeal is to the order dated 03.12.2020, passed by the learned Single Judge in CRWP-3147-2020 whereby the writ of habeas corpus, preferred by the appellant-petitioner for release of detenues-respondents No.7 and 8, his minor children, who were and are in the custody of his wife-respondent No.6, has been dismissed in the light of the facts that the petitioner has an efficacious alternative remedy of filing a petition under the Guardian and Wards Act, 1890.

Learned counsel for the appellant has asserted that the learned Single Judge has not taken into consideration the interest of the children who are minors as the wife of the petitioner-appellant had started residing with some other person i.e. respondent No.5 and the children are forcefully being detained in custody by the wife. He asserts that the children are suffering because of the action of his wife-respondent No.6. Therefore, the order, as passed by the learned Single Judge cannot be sustained and deserves to be set aside.

Having considered the plea taken by the counsel for the appellant and having gone through the order-judgment dated 03.12.2020, passed by the learned Single Judge as well as the pleadings, we do not find any ground to interfere in the present appeal as in the considered view of this Court, especially in the light of the proceedings which have taken place before the Principal Judge, Family Court, Kurukshetra in pursuance to the orders passed by the Writ Court. On perusal of these, it is apparent that the children are comfortably residing with their mother and have not been detained forcibly against their wishes.

The learned Single Judge has, in the light of the above, rightly relegated the appellant to file appropriate petition for the custody of minor children before the Court of competent jurisdiction.

The appeal, being devoid of merit, therefore, stands dismissed.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

18.01.2021
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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No